

**FIFTY-NINTH DAY**

(Friday, May 12, 1967)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hardeman
Bates	Herring
Berry	Hightower
Blanchard	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Wade
Grover	Watson
Hall	Word

**Absent**

Bernal	Mauzy
Brooks	Moore
Harrington	Schwartz
Hazlewood	Strong
Jordan	Wilson
Kennard	

The President announced that there was not a quorum of the Senate present.

**Adjournment**

On motion of Senator Word, the Senate at 10:05 o'clock a.m. adjourned until 10:00 o'clock a.m. on Monday, May 15, 1967.

**SIXTIETH DAY**

(Monday, May 15, 1967)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	Moore
Connally	Parkhouse
Creighton	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz

Strong  
Wade  
Watson

Wilson  
Word

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 12, 1967, was dispensed with and the Journal was approved.

**Bills Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 596, A bill to be entitled "An Act relating to the creation of the Wood County Central Hospital District of Wood County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1019, A bill to be entitled "An Act relating to archery season in Smith County; amending Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended, to delete this county from the list of counties in which the general open archery season does not apply; and declaring an emergency."

**Senate Resolution 642**

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the former Speaker of the House, Honorable Claud Gilmer, and his wife Georgia, of Rocksprings; their son, Carson Gilmer, and his wife, Bobbie, and their three children, Gay Ann, Gary and Claud Harmon, all of Rocksprings and San Antonio; their daughter, Gene Babb, and her children, Paula and Bruce, of Odessa, Texas;

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas; and that they be extended the official welcome to the Senate.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Concurrent Resolution 73

Senator Herring offered the following resolution:

S. C. R. No. 73, Directing Enrolling Clerk to make certain corrections in S. B. No. 530.

Whereas, Senate Bill No. 530 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, The following minor correction needs to be made in the bill: Change Chapter 88 to Chapter 55 in Section 1 of Senate Bill No. 530; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Enrolling Clerk be and is hereby directed to correct the enrolled copy of Senate Bill No. 530 by changing Chapter 88 to Chapter 55 in Section 1 thereof.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 643

Senator Wade offered the following resolution:

Whereas, There exists a present and continuing demand for persons skilled at the graduate level in sciences and technology in the north-central Texas areas and the State of Texas at large; and

Whereas, It is desirable to maximize the advantages of existing competence and resources, both public and private in the north-central Texas area for the benefit of the State of Texas; and

Whereas, There is a need to accelerate the development of graduate education and technology in the north-central Texas area; and

Whereas, To develop and accelerate graduate education and technology, the State of Texas should make available within the designated area state-sponsored doctoral programs in the sciences and technology at the earliest possible date and expand and initiate new complementary graduate pro-

grams as the need is demonstrated; now, therefore, be it

Resolved, That the Senate of the 60th Legislature hereby requests the Coordinating Board, Texas College and University System, to plan, develop, and recommend for the north-central Texas area a state-sponsored program making available state-sponsored doctoral programs in the sciences and technology and expanding and initiating complementary graduate programs compatible with private institutional efforts and utilizing to the fullest extent the resources of the Southwest Center for Advanced Studies as a primary means of commencing a state-sponsored program; and, be it further

Resolved, That the Coordinating Board, State College and University System be requested to cooperate with the Southwest Center for Advanced Studies, public and private agencies, individuals, foundations, other eleemosynary institutions, and agencies of the federal government; and, be it further

Resolved, That the Coordinating Board, State College and University System complete its plan and recommendations and report the plan and recommendations to the first session of the 60th Legislature in 1968 or in the event there is no called session in 1968, then to the Regular Session of the 61st Legislature.

WADE  
PARKHOUSE

The resolution was read and was referred to the Committee on Education.

#### Senate Resolution 648

Senator Moore offered the following resolution:

Whereas, The Senate of Texas is honored by the presence of Randy Matson; and

Whereas, We wish to express our appreciation of his interest in the functions of our State government; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate, and extended the privileges of the floor.

The resolution was read and was adopted.

Senator Moore by unanimous con-

sent presented the distinguished guest to the Members of the Senate.

The Members of the Senate gave a standing ovation to Mr. Matson.

### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 28, A bill to be entitled "An Act authorizing the Central Education Agency to establish a special program for preschool children who have language disorders and providing for the method of financing the program; and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act amending Paragraph a, Subsection (4), Section 1, Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), by redefining the term 'exceptional children' to include language and learning handicapped children, defining 'language and learning handicapped children'; and declaring an emergency."

S. B. No. 193, A bill to be entitled "An Act relating to adoption by a married person who is not legally an adult; amending Section 1, Chapter 177, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act to amend Chapter 465, Acts of the 59th Legislature, Regular Session, 1965, by adding a new section to authorize the issuance of revenue or special obligation bonds by the Motley County Hospital District; providing terms, conditions and restrictions for the issuance of such bonds; enacting provisions incident and related thereto; and declaring an emergency."

S. B. No. 281, A bill to be entitled "An Act adding district attorneys to the classes of persons who may become members of the State Employees Retirement System; amending Paragraph 1, Subsection B, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 421, A bill to be entitled "An Act amending Chap. 12 of the Acts of the 59th Legis., Reg. Session, 1965 (compiled as Art. 2919e-2, V.T.C.S.) to define service areas of public Jr. Colleges and to authorize establishment of service areas by the Coordinating Board, Tex. College & University System; amending Chap. 290 of the Acts of the 41st Legis., Reg. Session, 1929 (compiled as Art. 2815h, V.T.C.S.) by adding Sec. 23 to authorize Governing Boards of Public Jr. Colleges to enter into agreements making junior college services available to scholastics in such school districts; etc.; and declaring an emergency."

S. B. No. 507, A bill to be entitled "An Act relating to prohibiting the importation, possession, sale, or release of certain fish or fish eggs; providing a penalty; and declaring an emergency."

S. B. No. 541, A bill to be entitled "An Act relating to increasing the maximum tax rate of the Coke County Hospital District; amending Chapter 315, Acts of the 58th Legislature, 1963, to add a new Section 9A; and declaring an emergency."

S. B. No. 548, A bill to be entitled "An Act relating to the salary of the criminal district attorney of Jefferson County; amending Section 4, Chapter 53, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1926-63, Vernon's Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency."

S. B. No. 553, A bill to be entitled "An Act authorizing all Hospital Districts created pursuant to Article IX, Section 9, of the Constitution to issue and refund revenue bonds for Hospital purposes in accordance with the procedures prescribed for the issuance of similar bonds by County Hospital Authorities under the County Hospital Authority Act, Ch. 122, Acts 1963, 58th Leg. (compiled as Article 4494r, Vernon's Tex. Civ. Stats.), enacting other provisions relating to the subject; and declaring an emergency."

### Senate Resolution 651

Senator Watson offered the following resolution:

Whereas, At its recent 100th an-

nual meeting, the Texas Medical Association presented its distinguished service award to Dr. G. V. Brindley of Temple; and

Whereas, Dr. Brindley is the third Texas physician to receive this award since it was created, and his predecessors include Dr. Milford O. Rouse of Dallas, president-elect of the American Medical Association, and Dr. George R. Herrmann, professor of medicine at The University of Texas Medical Branch; and

Whereas, The distinguished medical career of Dr. Brindley began 50 years ago; he is a past president of the Texas Medical Association, has served as senior surgeon of Scott and White Memorial Hospital, and is past president of the Scott and White Clinic Board; and

Whereas, He is also a past president of the American Cancer Society, and has served as a governor and regent of the American College of Surgeons; and

Whereas, It is appropriate that the Senate of the 60th Legislature express appreciation for the long and outstanding professional service of Dr. G. V. Brindley of Temple; now, therefore, be it

Resolved, That the Senate of the State of Texas by this Resolution congratulates Dr. G. V. Brindley for the great honor bestowed upon him by the Texas Medical Association in presenting to him its distinguished service award; and, be it further

Resolved, That a copy of this Resolution be prepared for Dr. Brindley in token of the high regard with which he is held by members of the Senate of Texas, and in tribute to his professional achievements.

#### WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Bill 579 With House Amendments

Senator Wilson called S. B. No. 579 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 1

Amend Senate Bill 579 by amending Section 3 thereof so as to place in Section 6a(1), (2) and (3) the language "or motor carrier regulated by the Texas Railroad Commission" immediately following each place in said subsection where the words "railroad companys appear, and amend Senate Bill 579 by amending Section 3 thereof so as to place in Section 6a(1) the language "or motor carriers regulated by the Texas Railroad Commission" immediately following the place in said subsection where the words "railroad company" appear.

#### Amendment 2

Amend S. B. No. 579 by adding the following language at the end of Section 5(ii) in Section 1 of the bill:

"Any actions under this subsection within the boundaries of the Chambers-Liberty Counties Navigation District may be in cooperation with said District."

#### Amendment 3

Amend S. B. No. 579 by adding the word "or" between the words "subsections" and "the" where they appear on line 25, page 4 of the printed bill.

#### Amendment 4

Unanimous consent granted to amend caption of Senate Bill No. 579 to conform to body of the bill.

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Berry
Bates	Christie
Bernal	Cole

Connally	Parkhouse
Creighton	Patman
Grover	Reagan
Hall	Schwartz
Harrington	Strong
Hazlewood	Wade
Herring	Watson
Hightower	Wilson
Kennard	Word
Moore	

## Nays—6

Blanchard	Jordan
Brooks	Mauzy
Hardeman	Ratliff

## Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 72, Commending Shrine of Texas for their hospital facilities made available to children of Texas.

S. C. R. No. 71, Designating "Beckwith Arm" in honor of Honorable Hal A. Beckwith.

The House has concurred in Senate amendments to House Bill No. 90 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 219 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 300 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 456 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 692 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 935 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 1048 by a non-record vote.

S. B. No. 114, A bill to be entitled "An Act amending Article 310, Revised Civil Statutes of Texas, 1925, to provide that the maximum fee which may be charged for taking an

examination from the Board of Legal Examiners is \$40; and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act relating to the exemption from taxation of certain non-profit corporations formed to prevent cruelty to animals and to promote humane treatment of animals; amending Subdivision 7, Article 7150, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 25, A bill to be entitled "An Act amending Section 29 of the Texas Trust Act, Chapter 148, Acts of the 48th Legislature (1943), sec. 29, p. 232, codified as Article 7425b-29, Vernon's Texas Civil Statutes, relating to the allocation of dividends and share rights; providing for severability; and declaring an emergency."

H. B. No. 408, A bill to be entitled "An Act relating to salaries of court reporters for designated courts in Tarrant County; and declaring an emergency."

S. B. No. 386, A bill to be entitled "An Act providing for conservation and protection of the Texas Tortoise (*Gopherus berlandieri*); prescribing a penalty; and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act concerning county law libraries, amending Section 1, Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes); providing for a cost increase on civil cases to benefit the county law library fund; and declaring an emergency."

S. B. No. 331, A bill to be entitled "An Act relating to the protection of horned toads (*Phrynosoma* sp.) from commercial exploitation; providing a penalty; and declaring an emergency."

(With Amendment.)

Unanimous consent granted to amend captions, where necessary, on all Senate Bills on Consent Calendar.

H. B. No. 530, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'West-

heimer Road Municipal Utility District,' declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal of the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act

shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of \$1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "White Oak Municipal Utility District," declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hear-

ing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of \$1,000 or

multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Deer Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-presi-



dent, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of \$1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to

the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "North Forest Municipal Utility District," declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be



limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of \$1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act authorizing the board of managers of the Lamar County Hospital District to buy, sell or lease surplus land; amending Chapter 422, Acts of the 56th Legislature, Regular Session, 1959, as amended, by adding a Section 4a; and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act providing for the creation of the Haskell County Hospital District, such district to embrace all of Haskell County, except that portion of

said County now embraced within the Stamford Hospital District; providing that said district shall assume the outstanding debt of Haskell County incurred for hospital purposes not heretofore assumed by the Stamford Hospital District; etc.; and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Indian Hill No. 1 Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 853, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Yupon Cove Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 881, A bill to be entitled "An Act amending Article 11 of Acts 1943, 48th Legislature, Chapter 97, Subchapter I, page 128, to provide for the organization and procedure of the Finance Commission of the State of Texas and each section thereof; and amending Article 14 of Acts 1943, 48th Legislature, Chapter 97, Subchapter I, page 128, to set forth the Rules and Regulation Authority, Loan and Investment Authority and Advisory Powers of the Savings and Loan Section of the Finance Commission; etc.; and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Callahan County to the list of counties regulated; and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of official shorthand reporters for the District Courts of the 53rd, 126th, and 167th Judicial Districts of Texas, for the 98th District Court of Travis County and for the 147th District Court of Travis County; fixing maximum and minimum salaries to be paid in addition to compensation for transcripts, statements of fact and

other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

H. B. No. 1001, A bill to be entitled "An Act amending Sections 1 and 15, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Harris County to the list of counties regulated; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act relating to abolishing the office of Criminal District Attorney in Polk County; restoring the office of County Attorney of Polk County; providing for the division of functions between the District Attorney of the Ninth Judicial District and the County Attorney; repealing Chapter 381, Acts of the 54th Legislature, 1955 (Article 326k-34, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1212, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Blue Ridge West Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1220, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Little York Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1248, A bill to be entitled "An Act providing for the creation of the Nacogdoches County Hospital District over all of Nacogdoches County, Texas; providing that the district shall assume any outstanding debt of Nacogdoches County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; etc.; and declaring an emergency."

H. B. No. 1251, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Timberlakes

Estates Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1277, A bill to be entitled "An Act changing the names of the criminal judicial districts of Harris County to regular numbered judicial districts and changing the names of the courts to district courts; and declaring an emergency."

H. B. No. 1281, A bill to be entitled "An Act establishing a juvenile board in Stephens County and prescribing its powers, duties, membership, and compensation; designating the county court as juvenile court and the county judge as juvenile judge; providing for the appointment, qualifications, duties and compensation of a juvenile and adult probation officer; and declaring an emergency."

H. B. No. 1288, A bill to be entitled "An Act permitting sale of rough fish caught in a certain portion of the Sabine River; amending Section 2, Chapter 297, Acts of the 52nd Legislature, 1951, as amended; and declaring an emergency."

H. B. No. 1289, A bill to be entitled "An Act relating to the season on deer in Smith County; amending Section 2, Chapter 417, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 1300, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to purchase or receive by gift certain land in Somervell County; providing for the creation of a state park and for its development, operation, and maintenance; and declaring an emergency."

H. B. No. 1325, A bill to be entitled "An Act relating to the creation, establishment, maintenance, and operation of a hospital district in accordance with the provisions of Section 9, Article IX, Constitution of the State of Texas, to be known as the Garza Hospital District, in Garza County, Texas; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

House Bill 1256 Re-Committed

On motion of Senator Parkhouse

and by unanimous consent H. B. No. 1256 was re-committed to the Committee on Water and Conservation.

#### Senate Bill 232 With House Amendments

Senator Wilson called S. B. No. 232 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 2

Amend S. B. No. 232 by striking all below the enacting clause and substituting the following:

Section 1. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than \$5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 22,050 but less than 22,150;

(2) more than 24,600 but less than 24,700;

(3) more than 33,100 but less than 33,200;

(4) more than 28,150 but less than 28,250;

(5) more than 10,650 but less than 10,750;

(6) more than 12,475 but less than 12,575; and

(7) more than 19,300 but less than 19,500.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed \$7,200.

Sec. 2. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than \$5,500 in counties having a population, according to the last preceding federal census, of:

(1) more than 20,400 but less than 20,500; and

(2) more than 23,800 but less than 23,900.

(b) The aggregate annual salaries of all assistants to the county school superintendent shall not exceed \$8,800.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house

be suspended, and this Rule is hereby suspended.

#### Committee Amendment 1

Amend S. B. No. 232 by designating Section 2 as Section 3, and adding a new Section 2 to read as follows:

"Section 2. (a) The first assistant to the county school superintendent is entitled to receive an annual salary of not more than \$5,800 in counties having a population, according to the last preceding Federal Census, of more than 212,100 but less than 212,200.

"(b) The aggregate annual salaries of all assistants to the county school superintendent under this section shall not exceed \$7,500."

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 323 With House Amendments

Senator Wilson called S. B. No. 323 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 1

Amend S. B. No. 323 by striking all below the enacting clause and substituting the following:

Section 1. Section 1, Chapter 73, Acts of the 54th Legislature, 1955, as amended by Section 1, Chapter 641, Acts of the 59th Legislature, Regular Session, 1965 (Article 827a-3, Vernon's Texas Penal Code), is amended to read as follows:

"Section 1. Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof which may be operated over the highways and roads, it shall be lawful to operate such vehicles and combinations not to exceed ninety (90) feet in length including the load where such vehicles and combinations are used exclusively for transporting poles, piling or unrefined timber from the point of origin of such timber (the forest where such timber is felled) to a wood processing mill. No such vehicles and

combinations as covered by the provisions of this Act shall be permitted to travel in excess of one hundred and twenty-five (125) miles from their point of origin to destination or delivery point."

Sec. 2. Chapter 73, Acts of the 54th Legislature, 1955, as amended by Section 1, Chapter 641, Acts of the 59th Legislature, Regular Session, 1965 (Article 827a-3, Vernon's Texas Penal Code), is amended by adding Section 3a, to read as follows:

"Section 3a. Subsection (d), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended by Section 3, Chapter 282, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 827a, Vernon's Texas Penal Code), does not apply to a vehicle covered by this Act insofar as that subsection prescribes limits on the extension of the load beyond the rear of the vehicle."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

#### Amendment 2

Amend Committee Amendment No. 1 to S. B. No. 323 by striking the period at the end of the last section and adding the following:

"and this Act shall take effect and be in force from and after its passage and it is so enacted."

#### Committee Amendment 3

Amend S. B. No. 323 by striking all above the enacting clause and substituting the following:

A bill to be entitled "An Act relating to the extension of loads on certain motor vehicles beyond the rear of the vehicle; amending Chapter 73, Acts of the 54th Legislature, 1955, as amended by amending Section 1 and adding Section 3a (Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency."

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Hazlewood	Wilson

Nays—2

Hardeman                      Mauzy

Absent

Word

#### Reports of Standing Committee

Senator Moore by unanimous consent submitted the following reports:

Austin, Texas,  
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 14, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOORE, Chairman.

C. S. H. J. R. No. 14 was read the first time.

Austin, Texas,  
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 27, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman.

#### Senate Resolution 653

Senator Blanchard offered the following resolution:

Whereas, The business of writing health, accident and/or hospitalization insurance is one of the fastest growing industries in Texas; and

Whereas, Thousands of Texas citizens, both young and old alike are covered by one or more of the many types of policies offered for sale to the general public; and

Whereas, The Legislature of Texas has the responsibility of seeing that insurance companies receive a fair rate of return upon their investments by authorizing the Insurance Commission of Texas to raise or lower rates based upon formulas of premiums paid and losses incurred; and

Whereas, The Legislature of Texas is responsible to the People of Texas in providing that the various insurance companies that write health, accident and/or hospitalization insurance act in a fair and equitable manner; and

Whereas, Thousands of Texans have complained that they are not receiving fair treatment on claims submitted under their policies; and

Whereas, Many people complain that they are unable to locate a company that has sold them a policy in order to file a legitimate claim; and

Whereas, The actions of some of the insurance companies when they refuse to honor legitimate claims or when they deny a major part of a claim, is bringing discredit upon many fine insurance companies in Texas; and

Whereas, The People of Texas are entitled to have the facts presented to them without undue delay; and

Whereas, The Legislature of Texas is entitled to have all the facts surrounding the practices of all health, accident and/or hospitalization insurance companies in dealings with their policy-holders and the general public so they can determine if legislation is needed to protect the public as well as the insurance industry in general; now, therefore, be it

Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant-Governor be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between the adjournment of the 60th Legislature and the date of the convening of the Regular Session of the 61st Legislature, as may to said committee seem necessary and proper; and the committee shall make

inquiries into the affairs and activities of any or all insurance companies selling, or offering to sell health, accident or hospitalization insurance within this State.

Section 2. That said committee shall have the power to formulate its own rules of procedure and evidence and to provide for its own hours of meeting, recessing and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Section 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by General Law. Said committee shall have power to inspect and make copies of any books, records or files of any insurance company or their agents and any and all other instruments and documents pertinent to the matter under investigation by said committee, and shall also have power to examine and audit the books of such insurance company or their agents. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Section 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 5. Said committee shall have power and authority to employ and compensate all necessary in-

investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Section 6. That said committee may call upon the Attorney General's Department, Insurance Commission, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions and give counsel and assistance to said committee on request of chairman or members of said committee.

Section 7. That said committee shall submit a report in writing to the 61st Legislature, or to any called session of the 60th Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and contingent fund of the 60th Legislature and out of any fund otherwise appropriated by said Session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and contingent fund of said 60th Legislature to meet the payment of such expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

BLANCHARD  
STRONG  
MAUZY  
GROVER  
RATLIFF  
HALL

The resolution was read.

Senator Blanchard asked unanimous consent that the resolution be considered immediately.

There was objection.

Senator Blanchard moved that the resolution be considered immediately.

Question on the motion to consider S. R. No. 653 immediately, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Grover	Watson
Hall	Wilson
Harrington	Word
Hazlewood	

#### Nays—6

Creighton	Kennard
Hardeman	Parkhouse
Herring	Wade

Question—Shall S. R. No. 653 be adopted?

Senator Hightower offered the following amendment to the resolution:

Amend Section 7 of S. R. No. 653 by adding at the end of such section the following:

"Provided further, however, no money shall be spent out of the Contingent Fund of the Senate without prior written approval of the Contingent Expense Committee."

The amendment was read and was adopted.

The resolution as amended was then adopted.

#### Record of Votes

Senators Wade, Creighton and Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Senate Bill 122 With House Amendment

Senator Reagan called S. B. No. 122 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Amendment 1

Amend S. B. No. 122 by deleting therefrom the following language in the 56th line of page 2 of such bill: "and neither may be an officer or

director of a Federal Home Loan Bank or a Savings and Loan Trade Organization.", and by placing a period after the word (\$20,000,000) immediately preceeding such deletion.

The House amendment was read.

Senator Reagan moved that the Senate concur in the House amendment.

The motion prevailed.

#### Record of Vote

Senator Mauzy asked to be recorded as voting "Nay" on the motion to concur in House amendment to S. B. No. 122.

#### House Concurrent Resolution 52 Re-referred

On motion of Senator Strong and by unanimous consent H. C. R. No. 52 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### House Bill 208 Re-referred

Senator Reagan asked unanimous consent that H. B. No. 208 be withdrawn from the Committee on Labor and Management Relations and re-referred to the Committee on State Departments and Institutions.

There was objection.

Senator Reagan moved that H. B. No. 208 be withdrawn from the Committee on Labor and Management Relations and be re-referred to the Committee on State Departments and Institutions.

The motion prevailed.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 6, Granting E. S. Dalton and wife, Lois E. Dalton, their successors and assigns permission to sue the State of Texas.

S. C. R. No. 40, Granting C. C. (Cecil) Adams, et al. permission to sue the State of Texas.

S. C. R. No. 70, Authorizing En-

rolling Clerk to make certain corrections in S. B. No. 204.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 845, to Committee on Counties, Cities and Towns.

H. B. No. 912, to Committee on Game and Fish.

H. B. No. 1325, to Committee on Counties, Cities and Towns.

H. B. No. 408, to Committee on Counties, Cities and Towns.

H. B. No. 696, to Committee on State Departments and Institutions.

H. B. No. 794, to Committee on Education.

H. B. No. 999, to Committee on Education.

#### Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 577, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 576, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.



Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 575, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

#### Senate Bill 575 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 575 was ordered not printed.

#### Senate Bill 576 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 576 was ordered not printed.

#### Senate Bill 577 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 577 was ordered not printed.

#### Senate Bill 609 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 609, A bill to be entitled "An Act to amend Sections 3 and 5, Chapter 533, Acts of the 59th Legislature, Regular Session, 1965, reciting proof of publication of Constitutional notice, and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Bill 610 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 610, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "Staffordshire Municipal Utility District of Fort Bend County, Texas"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions that its bonds are legal and authorized investments; providing for selection of a deposi-

tory; adopting the ad valorem basis of taxation; providing a procedure to change its name; requiring the District to establish an office; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Bill 611 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 611, A bill to be entitled "An Act to amend Section 4, Chapter 559, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Bill 428 Re-referred

Senator Connally asked unanimous consent that S. B. No. 428 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

There was objection.

Senator Connally moved that S. B. No. 428 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

The motion prevailed by the following vote:

#### Yeas—17

Aikin	Herring
Bates	Hightower
Berry	Jordan
Christie	Mauzy
Cole	Reagan
Connally	Schwartz
Grover	Strong
Harrington	Watson
Hazlewood	

#### Nays—14

Bernal	Moore
Blanchard	Parkhouse
Brooks	Patman
Creighton	Ratliff
Hall	Wade
Hardeman	Wilson
Kennard	Word

**House Bill 490 Ordered Not Printed**

On motion of Senator Hazlewood and by unanimous consent H. B. No. 490 was ordered not printed.

**House Bill 491 Ordered Not Printed**

On motion of Senator Hazlewood and by unanimous consent H. B. No. 491 was ordered not printed.

**House Bill 867 Re-referred**

Senator Hall asked unanimous consent that H. B. No. 867 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

There was objection.

Senator Hall moved that H. B. No. 867 be withdrawn from the Committee on State Affairs and be re-referred to the Committee on Counties, Cities and Towns.

The motion prevailed by the following vote:

**Yeas—16**

Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Brooks	Reagan
Connally	Strong
Grover	Watson
Hall	Wilson
Harrington	Word

**Nays—15**

Aikin	Jordan
Blanchard	Moore
Christie	Parkhouse
Cole	Patman
Creighton	Ratliff
Hardeman	Schwartz
Hazlewood	Wade
Herring	

**Reports of Standing Committees**

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 845, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1325, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 14, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 408, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 914, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 912, have had the same under consideration, and I am instructed

to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

#### House Bill 845 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 845 was ordered not printed.

#### House Bill 1325 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 1325 was ordered not printed.

#### House Bill 25 Re-referred

On motion of Senator Watson and by unanimous consent, H. B. No. 25 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Education.

#### Senate Bill 476 Re-referred

Senator Watson asked unanimous consent that S. B. No. 476 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Agriculture and Livestock.

There was objection.

Senator Watson moved that S. B. No. 476 be withdrawn from the Committee on State Affairs and be re-referred to the Committee on Agriculture and Livestock.

The motion prevailed by the following vote:

#### Yeas—16

Aikin	Hightower
Blanchard	Mauzy
Connally	Moore
Creighton	Patman
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word

#### Nays—13

Bates	Jordan
Bernal	Kennard
Berry	Parkhouse
Brooks	Reagan
Christie	Schwartz
Cole	Wade
Herring	

#### Absent

Hardeman	Ratliff
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#### House Bill 408 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 408 was ordered not printed.

#### House Bill 859 Re-referred

Senator Connally asked unanimous consent that H. B. No. 859 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

There was objection.

Senator Connally moved that H. B. No. 859 be withdrawn from the Committee on State Affairs and be re-referred to the Committee on Counties, Cities and Towns.

The motion prevailed.

#### Record of Votes

Senators Hardeman and Grover asked to be recorded as voting "Nay" on the motion to re-refer.

#### Notice of Local and Uncontested Bills Session

On motion of Senator Hall and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar at 9:00 o'clock a.m. on Wednesday, May 17, 1967.

#### House Bill 914 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 914 was ordered not printed.

#### House Bill 912 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 912 was ordered not printed.

#### Recess

On motion of Senator Parkhouse the Senate at 11:46 o'clock a.m. took recess until 3:00 o'clock p.m. today.

#### After Recess

The President called the Senate to order at 3:00 o'clock p.m. today.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 33, Granting Bobby K. Field permission to sue the State of Texas.

H. C. R. No. 40, Granting permission to Melonee Neal, Administratrix of the Estate of Washington Moore, to sue the State of Texas, etc.

H. C. R. No. 41, Memorializing the members of the United States Congress from the State of Texas to oppose the legislation introduced by Senator Dodd of Connecticut, etc.

H. C. R. No. 61, Granting permission to Serco Properties to sue the State of Texas.

H. C. R. No. 63, Granting permission to V. F. Neuhaus to sue the State of Texas.

H. C. R. No. 69, Granting permission to Jack B. Blalock and his wife, Sophia W. Blalock, to sue the State of Texas.

H. C. R. No. 84, Granting permission to J. W. Mills and H. L. Mills to sue the State of Texas.

H. C. R. No. 88, Granting permission to Mrs. John B. Barbour and Mr. Hugh Preston to sue the State of Texas.

H. C. R. No. 98, Granting permission to H. G. Graham, d/b/a Graham Construction Company, and National Surety Corporation, to sue the Alice Water Authority.

H. C. R. No. 108, Granting permission to Frank J. Parchman to sue the State of Texas.

H. C. R. No. 113, Granting permission to certain citizens of Big Spring to sue the State of Texas.

H. C. R. No. 116, Granting Joe B. Torres permission to sue the State of Texas in a court of competent jurisdiction.

H. C. R. No. 124, Congratulating Dean James R. D. Eddy.

H. C. R. No. 125, Congratulating the people of Kent County, Texas, as they celebrate the 75th Anniversary of the county's organization.

H. C. R. No. 128, In memory of Brady P. Gentry.

The House has adopted the Conference Committee Report on House Bill No. 42 by a non-record vote.

H. B. No. 80, A bill to be entitled "An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended by Acts 1957, 55th Legislature, Page 477, Chapter 228; relating to fees which county clerks and county recorders shall receive for their services; containing a repealing clause repealing all laws and parts of laws in conflict, to the extent of conflict only, with the provisions of this Act; containing a saving clause; and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act repealing articles 1659 and 1660, Penal Code of Texas, 1925, as amended, to remove the requirement that railway companies and other inter-city common carriers provide separate coaches or compartments for white and Negro passengers; repealing Chapter 370, Acts of the 48th Legislature, Regular Session, 1943 (Article 1661.1, Vernon's Texas Penal Code), to remove the requirement that whites and Negroes be segregated on buses; and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act creating a conservation and reclamation district to be known as Coastal Industrial Water Authority; prescribing its boundaries, governing body, powers, authority, privileges, duties and functions; providing that said Authority shall have no power to levy taxes; providing a severability clause; and declaring an emergency."

H. B. No. 550, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under Article 16, Section 59 of the Constitution of Texas, to be known as "Blue Ridge Municipal Utility District"; defining the boundaries; determining and finding benefits to the land and other property within the District; finding that the boundaries of the District form a closure; conferring rights, powers, privileges, authorities and functions upon the District; providing that the District shall not call a confirmation election; providing for a hearing for exclusions; providing that the District shall

use the ad valorem plan of taxation; providing for the issuance of bonds; providing for a Board of Directors; providing for the use of public roadways, streets, alleys and public easements; providing that the District shall bear the expense of relocation of certain properties and facilities; providing for the power to contract with the United States of America, the State of Texas and others, and making provision for such contracts; providing for the power to borrow money; providing for the appointment of a depository; providing for a system of accounts and an audit thereof; finding that the District will be carrying out an essential public function; providing that the Municipal Annexation Act is not applicable to the creation of the District; finding that the requirements of Article 16, Section 59 of the Constitution have been accomplished; providing that the enactment of this Act is essential and necessary in the preservation and conservation of natural resources; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act to amend Article 1064 of the Code of Criminal Procedure of Texas, 1925, relating to fees of District and County Clerks, and declaring an emergency."

H. J. R. No. 7, House Joint Resolution proposing an amendment to Section 1, Article XVII, Constitution of the State of Texas, to provide a method for proposal and adoption of a revision of all or part of the Constitution of this state.

H. B. No. 53, A bill to be entitled "An Act relating to purposes for which public water may be appropriated; amending Article 7470, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 175, A bill to be entitled "An Act amending Article 7468, Revised Civil Statutes of Texas, 1925, relating to the authorized purposes of use of certain water by providing that it may be used for any beneficial purpose; and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act amending Section 2, Chapter

163, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes), relating to letting of contracts by cities and counties; and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act relating to cash reserves of state banks; amending Article 6, Chapter 6, Texas Banking Code, 1943, as amended (Article 342-606, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act amending Article 888, Penal Code of Texas, 1925, as amended, relating to issuance of permits for killing wild birds and animals to prevent them from destroying crops or domestic animals; and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended by Acts 1957, 55th Legislature, Page 477, Chapter 228; relating to fees which county clerks and clerks of county courts shall receive for their services; containing a repealing clause repealing all laws and parts of laws in conflict, to the extent of conflict only, with the provisions of this Act; containing a saving clause; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act relating to obtaining approval of the Texas Water Rights Commission before making changes in existing improvements used for water supply; amending Article 7495, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act amending Sections 3 and 11, Chapter 103, Acts of the 57th Legislature, Regular Session, 1961, to provide that petition to have a director's name printed on the ballot as a candidate shall require not less than 25 qualified voters; and naming a depository bank for a term of three years and until a successor has been named; and declaring an emergency."

H. B. No. 661, A bill to be entitled "An Act authorizing the creation of The Howard County Airport Authority in Howard County, Texas; defining terms; providing for petition and election on the question of the crea-

tion of the authority and authorizing a tax not to exceed Fifty Cents (50¢) on the One Hundred Dollar (\$100.00) assessed valuation; constituting the authority a body politic and corporate, governmental and public in nature; providing for the organization and meetings of the Board of Directors and the appointment and qualifications of the members thereof; conferring powers and imposing duties on the Authority and its Board of Directors, including the power of eminent domain, the power to adopt rules and regulations and to provide penalties for violations thereof, and other powers; providing for the assessment, levy and collection of taxes; creating a lien for taxes levied; authorizing the issuance of bonds of various types, and prescribing the conditions, terms and provisions under and pursuant to which the same may be issued, and related matters; declaring such bonds to be free from taxation and to be subject to certain provisions of the Uniform Commercial Code; empowering the Authority to purchase or otherwise acquire airport facilities and authorizing cities to sell or lease the same; providing for the assumption, refunding or payment of the obligations of any city selling an airport facility to the Authority; declaring the bonds to be legally authorized investments for certain institutions; providing for bank depositories; providing for investment or reinvestment of unencumbered funds of the Authority; exempting the property of the Authority from taxation; prohibiting certain conduct of authority personnel and directors and providing for a penalty therefor; prohibiting the seizure of any of the property of the Authority by execution, garnishment of attachment; providing for the adoption of zoning regulations; providing for the adding of additional counties to the Authority; authorizing Municipalities to cooperate and aid in the development of airport projects in various respects when such projects will benefit such municipalities; enacting other provisions related to the aforementioned subjects; providing a severability clause; and declaring an emergency."

H. B. No. 809, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as

"Comanche Hills Utility District," in Bell County; declaring district a governmental agency, body politic and corporate; defining the boundaries, etc., and declaring an emergency."

H. B. No. 896, A bill to be entitled "An Act amending Chapter 101, Acts of the 59th Legislature, with reference to the funds from which bonds are to be paid and with reference to the investment of funds and the use of income from investments; and declaring an emergency."

H. B. No. 901, A bill to be entitled "An Act concerning the designation of trustee to receive proceeds of life insurance policies; adding a new Article 3.49-3 to the Texas Insurance Code; providing for a saving clause; providing for a severability clause; providing for an effective date; and declaring an emergency."

H. B. No. 1076, A bill to be entitled "An Act relating to the Interest and Expense Funds of the Teachers Retirement System; amending Subsections 4 and 5(c), Section 10, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-1, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1118, A bill to be entitled "An Act relating to the Governor's approval for reimbursement for certain travel expenses incurred in transacting official business; amending Section 5, Chapter 231, Acts of the 56th Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1137, A bill to be entitled "An Act amending Sections 2 and 4 of House Bill No. 51, Chapter 481, Acts of the Fifty-sixth Legislature, Regular Session, 1959 (Article 2654-1b, Vernon's Texas Civil Statutes), to provide for the operation of non-English speaking children programs for a period of time not to exceed four and one-half months; to provide the formula for determination of salary of classroom teachers for program cost purposes of this Act; and declaring an emergency."

H. B. No. 1213, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Consti-

tution of Texas, known as "City of Cities Municipal Utility District"; declaring district a governmental agency, body politic and corporate; defining the boundaries, etc., and declaring an emergency."

H. B. No. 1242, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Holiday Lakes Estates Municipal Utility District"; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters, etc., and declaring an emergency."

H. B. No. 1283, A bill to be entitled "An Act relating to the creation and operation of a research park on a portion of the campus of Texas Technological College; and declaring an emergency."

H. B. No. 1290, A bill to be entitled "An Act relating to counties eligible to use jury wheels in selecting jurors; adding Subsection (k) to Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1296, A bill to be entitled "An Act relating to the terms of appointment of members of the Governor's Committee on Public School Education; amending Subsection (a), Section 5, Chapter 438, Acts of the 59th Legislature, Regular Session, 1965 (Article 2922-25, Vernon's Texas Civil Statutes); and declaring an emergency."

H. J. R. No. 49, Proposing an amendment to Section 21 of Article 16 of the Constitution of the State of Texas so as to not require approval by the governor, secretary of state and the comptroller of certain materials and services purchased contracts.

H. J. R. No. 50, Proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

H. J. R. No. 60, Proposing an amendment to Article III, Constitution of the State of Texas, adding Section 64, to provide for consolidating offices and functions of government by act of the Legislature and for performance of governmental functions by contract between political subdivisions in counties of not less than 300,000 and not more than 600,000 inhabitants according to the 1960 Federal Census.

H. B. No. 1148, A bill to be entitled "An Act amending Subsection (A) of Section 2 and Section 19 of Senate Bill No. 74, Chapter 192, page 512, Acts of the 58th Legislature of the State of Texas, 1963, as amended (Article 1110c, Vernon's Texas Civil Statutes), to increase the number of counties affected by this Act by including in the Act all counties in the state with population in excess of 100,000; providing for severability; and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Section 6, Subsection (h), paragraph 4, Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 4075b, Vernon's Texas Civil Statutes), relating to the taking and sale of bait shrimp and providing that fifty (50) percent of bait shrimp taken in closed season shall be kept in a live condition on board the vessel; and providing that prior to issuance of a bait-shrimp boat license, an inspection shall be made by authorized personnel of the Parks and Wildlife Department to insure that adequate facilities are present aboard the vessel to maintain fifty (50) percent of the bait shrimp alive; providing that bait-shrimp dealers package and mark dead bait shrimp; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 1300, to Committee on Counties, Cities and Towns.

H. B. No. 138, to Committee on Water and Conservation.



H. B. No. 531, to Committee on Water and Conservation.

H. B. No. 530, to Committee on Water and Conservation.

H. B. No. 533, to Committee on Water and Conservation.

H. B. No. 537, to Committee on Water and Conservation.

H. B. No. 661, to Committee on Counties, Cities and Towns.

H. B. No. 716, to Committee on State Departments and Institutions.

H. B. No. 739, to Committee on Counties, Cities and Towns.

H. B. No. 740, to Committee on Game and Fish.

H. B. No. 853, to Committee on Water and Conservation.

H. B. No. 854, to Committee on Water and Conservation.

H. B. No. 881, to Committee on Banking.

H. B. No. 970, to Committee on Counties, Cities and Towns.

H. B. No. 1001, to Committee on Game and Fish.

H. B. No. 1060, to Committee on Counties, Cities and Towns.

H. B. No. 1212, to Committee on Water and Conservation.

H. B. No. 1220, to Committee on Water and Conservation.

H. B. No. 1248, to Committee on Counties, Cities and Towns.

H. B. No. 1251, to Committee on Water and Conservation.

H. B. No. 1277, to Committee on Jurisprudence.

H. B. No. 1281, to Committee on Counties, Cities and Towns.

H. B. No. 1288, to Committee on Game and Fish.

H. B. No. 1289, to Committee on Game and Fish.

#### House Bill 413 Re-referred

Senator Patman asked unanimous consent that H. B. No. 413 be with-

drawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

There was objection.

Senator Patman moved that H. B. No. 413 be withdrawn from the Committee on State Affairs and be re-referred to the Committee on Counties, Cities and Towns.

The motion prevailed.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to re-refer H. B. No. 413.

#### Senate Bill 331 With House Amendment

Senator Christie called S. B. No. 331 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment 1

Amend S. B. No. 331 by adding a period after the figure of \$200 on line 38 and striking out the words "or by confinement in the county jail for not less than 10 days nor more than 60 days, or by both;" in lines 38 and 39.

The House amendment was read.

Senator Christie moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent

Bernal

Jordan

**Conference Committee Report on  
House Bill 42**

Senator Word submitted the following Conference Committee Report on H. B. No. 42:

Austin, Texas,  
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of The House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 42 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WORD  
BATES  
BLANCHARD  
CHRISTIE  
HALL

On the part of the Senate.

SIMPSON  
TRAEGER  
BASS  
KNAPP  
WHATLEY

On the part of the House.

H. B. No. 42,

**A BILL  
To Be Entitled**

An Act declaring construction payments and loan receipts to be trust funds; defining wrongful disbursement and misapplication of trust funds as a misdemeanor and felony and attaching a penalty; containing a severability clause; providing that the defined offense shall not be exclusive and that the state may elect as to prosecution for other offenses; making the Texas Trust Act inapplicable and the application of the Act inapplicable to bonded jobs, closing agents and lending institutions; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**Section 1. Construction Payments and Loan Receipts Declared Trust**

Funds. All moneys or funds paid to a contractor or subcontractor or any officer, director or agent thereof, under a construction contract for the improvement of specific real property in this state, and all funds borrowed by a contractor, subcontractor, owner, or any officer, director or agent thereof, for the purpose of improving such real property which are secured in whole or in part by a lien on the specific property to be improved are hereby declared to be Trust Funds for the benefit of the artisans, laborers, mechanics, contractors, subcontractors or materialmen who may labor or furnish labor or material for the construction or repair of any house, building or improvement whatever upon such real property; provided, however, that moneys paid to a contractor or subcontractor or borrowed by a contractor, subcontractor, or owner may be used to pay reasonable overhead of said contractor, subcontractor, or owner, directly related to such construction contract. The contractor, subcontractor, owner, or any officer, director or agent thereof, receiving such payments or funds, or having control or direction of same, is hereby made and constituted a Trustee of such funds so received or under his control or direction.

**Sec. 2. Wrongful Disbursement, Use of Retention of Trust Funds.** Any Trustee, who shall, directly or indirectly, with intent to defraud, retain, use, disburse, misapply, or otherwise divert, any trust funds, or part thereof, as defined in Section 1 of this Act, without first fully paying and satisfying all obligations of the Trustee to all artisans, laborers, mechanics, contractors, subcontractors, or materialmen, incurred or to be incurred in connection with the construction and improvements, for which said funds were received, shall be deemed to have misapplied said Trust Funds. Misapplication of Trust Funds hereunder, under the value of \$250.00, shall be punished by imprisonment in jail not exceeding two years and by fine not exceeding \$500.00, or by such imprisonment without fine. Misapplication of Trust Funds hereunder, of the value of \$250.00 or over shall be punished by confinement in the Department of Corrections for a period not exceeding ten years.

**Sec. 3. State's Election as to Other**

Offense. Where trust funds are paid, misapplied, used, or otherwise diverted, in such a manner that such act constitutes a violation of this Act and some other offense punishable under the laws of the State of Texas, the party thus offending shall be amenable to prosecution at the state's election for misapplication of trust funds under this Act or for such other offense as may have been committed by him.

Sec. 4. Closing Agents, Lending Institutions, and Construction Funds Covered by Payment Bond Exempt. This Act shall have no application to any bank, savings and loan association or other lender or to any title company or other closing agent in connection with any transaction to which this Act is applicable. Further, moneys or funds received under a construction contract are exempt from the provisions of this Act if the full contract amount is covered by a corporate surety payment bond.

Sec. 5. Severability Clause. If any section, paragraph, sentence, clause, or word of this Act is held to be unconstitutional, the remaining portions of the same, nevertheless shall be valid; and the Legislature declares that the Act would have been enacted without such unconstitutional portion.

Sec. 6. Saving Clause. Any violation of existing law or laws prior to the effective date of this Act, whether prosecution is commenced or not, shall not be affected by this Act and the provisions of such existing law or laws shall remain in full force and effect as to the then existing violation.

Sec. 7. Texas Trust Act Inapplicable. No trust created by this Act shall be subject to the Texas Trust Act nor shall this Act be construed to amend, repeal, or alter any provisions of the Texas Trust Act.

Sec. 8. Emergency Clause. The importance of this legislation and the crowded condition of the calendars of both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The Conference Committee Report was read and was adopted by the following vote:

## Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

## House Bill 52 Re-referred

On motion of Senator Hazlewood and by unanimous consent H. B. No. 52 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Conference Committee Report  
on House Bill 514

Senator Brooks submitted the following Conference Committee Report on H. B. No. 514:

Austin, Texas,  
May 12, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 514, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROOKS  
JORDAN  
KENNARD  
MAUZY  
RATLIFF

On the part of the Senate.

KNAPP  
CLARK  
VANCE  
PARKER  
SHANNON of  
Tarrant

On the part of the House.

H. B. No. 514,

## A BILL

## To Be Entitled

An Act relating to compensation of members of the Texas Board of Mental Health and Mental Retardation; amending Section 2.06, Chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 2.06, Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 2.06, chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 2.06, Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2.06. Compensation of members. Each member is entitled to receive per diem compensation for each day he actually performs the duties of his office and to be reimbursed for actual and necessary expenses incurred in discharging his duties. The daily per diem compensation shall be as provided by appropriation."

Sec. 2. The fact that members of the Texas Board of Mental Health and Mental Retardation perform duties at times other than during a meeting of the Board creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—31

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Parkhouse
Connally	Patman
Creighton	Ratliff
Grover	Reagan
Hall	Schwartz
Hardeman	Strong
Harrington	Wade

Watson  
Wilson

Word

## Reports of Standing Committees

Senator Hightower, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1261, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1270, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1269, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 560, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 611, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
May 12, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 604, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.

Senator Hardeeman by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. C. R. No. 97, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 353, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 354, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 355, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 356, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 568, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

#### House Bill 1261 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1261 was ordered not printed.

#### Reports of Standing Committees

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 740, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1223, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
HERRING  
WILSON

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1251, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 609, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 661, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 970, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

#### Motion to Re-refer House Bill 1087

Senator Brooks asked unanimous consent that H. B. No. 1087 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Jurisprudence.

There was objection.

Senator Brooks moved that H. B. No. 1087 be withdrawn from the Committee on State Affairs and be referred to the Committee on Jurisprudence.

The motion was lost by the following vote:

Yeas—8

Bernal	Hazlewood
Berry	Herring
Brooks	Jordan
Harrington	Mauzy

Nays—22

Aikin	Kennard
Bates	Parkhouse
Blanchard	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Hardeman	Wilson
Hightower	Word

Absent

Moore

**House Bill 1251 Ordered Not Printed**

On motion of Senator Moore and by unanimous consent H. B. No. 1251 was ordered not printed.

**House Bill 661 Ordered Not Printed**

On motion of Senator Ratliff and by unanimous consent H. B. No. 661 was ordered not printed.

**House Bill 970 Ordered Not Printed**

On motion of Senator Herring and by unanimous consent H. B. No. 970 was ordered not printed.

**House Bill 740 Ordered Not Printed**

On motion of Senator Hardeman and by unanimous consent H. B. No. 740 was ordered not printed.

**House Concurrent Resolution 94  
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 94, Inviting Eugene Locke to address a Joint Session of the Texas Legislature.

The resolution was read second time.

Senator Bates offered the following amendment to the resolution:

Amend H. C. R. No. 94 by changing the words "at such time" in the second Resolving Clause to read "at 12 o'clock noon."

BATES  
HARDEMAN

The amendment was read and was adopted.

Senator Bates offered the following amendment to the resolution:

Amend H. C. R. No. 94 by adding a new "Resolving Clause" to provide as follows:

"Resolved that the provisions of Art. III, Sec. 16 of the Constitution be, in all things, complied with and that no restrictions as to admissions by members of the public shall be applied in violation thereof."

BATES  
HARDEMAN

The amendment was read and was adopted.

The resolution as amended was then adopted.

**Senate Bill 611 Ordered Not Printed**

On motion of Senator Schwartz and by unanimous consent S. B. No. 611 was ordered not printed.

**Senate Bill 609 Ordered Not Printed**

On motion of Senator Schwartz and by unanimous consent S. B. No. 609 was ordered not printed.

**Reports of Standing Committee**

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 739, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 595, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HALL, Chairman.



**CHRISTIE  
WORD****Senate Bill 612 on First Reading**

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senators Wade, Parkhouse, Hall and Mauzy:

S. B. No. 612, A bill to be entitled "An Act providing for a Court of Domestic Relations in and for Dallas County to be known as Court of Domestic Relations No. 3 of Dallas County; setting the qualifications of the judge; setting the salary of the judge; providing for appointment, term of office, vacancies, disqualification; setting jurisdiction of said court; providing for a transfer of cases; making it a court of record, and providing for keeping of dockets; providing for duties of Probation Department, sheriff and constables for said court; setting the terms of the court; providing for judge of said court to be a member of the Juvenile Board; providing for a court reporter, bailiff and clerk; providing for services of a sheriff; providing for appeal from said court; providing that practice and procedure shall be same as any other district courts; providing a severance clause, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

**Senate Bill 613 on First Reading**

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senators Wade, Mauzy, Parkhouse and Hall:

S. B. No. 613, A bill to be entitled "An Act creating three additional district courts in Dallas County, Texas to be known as the 190th Judicial District and 191st Judicial District and 192nd Judicial District; providing the term and jurisdiction of said courts; providing for the appointment of district judges for said courts; prescribing the powers, duties, term of office and compensation of the judges of said courts; providing for the appointment of official court reporters for said courts; prescribing the qualifications, duties and

compensation of the official court reporters of said courts; providing for the appointment, designation and compensation of other officers of said courts; providing all process writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of district courts in Dallas County, Texas, are valid and returnable to the first term of the district courts provided herein, as assigned to the respective courts after this act takes effect; making other provisions relative to the business and functioning of the district courts of Dallas County, Texas; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

**Record of Vote on House Bill 1087**

On motion of Senator Hazlewood and by unanimous consent, he will be shown as voting "Yea" on motion to re-refer H. B. No. 1087.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1068, A bill to be entitled "An Act requiring the State Board of Insurance to compile and provide upon request at a set charge a list of fire losses to cities and towns before setting fire and lightning insurance rates; providing procedures by which a city or town may correct its listing and requiring insurance carriers and cities and towns to provide the board with a list of fire and lightning losses; repealing laws in conflict; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 63.

House Conferees: Pipkin, Atwood, Hinson, Shannon, T., Atwell.

The House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 477.

House Conferees: Pipkin, Crews,  
Cory, Jones of Taylor, Hale.

Respectfully submitted,

DOROTHY HALLMAN.

Chief Clerk, House of Representatives

#### Senate Bill 209 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 209, A bill to be entitled "An Act relating to the definition of the term "actual places of religious worship; amending Article 7150, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following Committee Amendment to the bill:

Amend S. B. No. 209, Section 1 (a) by deleting the last sentence and substituting in lieu thereof the following:

"Such church, religious institution or organization shall be, or shall be sponsored by, a faith group, denomination or association of churches, which ordains ministers or elects Christian Science Readers and establishes houses of worship completely dedicated to the propagation of the religious faith of such faith groups, denominations or association of churches."

The Committee Amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 209 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Nays—2

Bernal Moore

Present--Not Voting

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 373, to Committee on Water and Conservation.

#### Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 531, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was

referred H. B. No. 537, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1220, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 533, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

#### Senate Bill 41 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time S. B. No. 41 (the bill having been read second time on Tuesday, May 9, 1967 with an amendment by Senator Bates pending).

Question—Shall the amendment by Senator Bates to S. B. No. 41 be adopted?

On motion of Senator Bates and by unanimous consent the pending amendment was withdrawn.

Senator Bates offered the following amendment to the bill:

Amend S. B. No. 41 by deleting Section 6 of said S. B. No. 41, and renumber the following sections as needed for purposes of continuity.

The amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Amend S. B. No. 41 by striking all above the enacting clause and substituting the following:

A bill to be entitled "An Act amending Chapter III, Article 12; Chapter IV, Article 1; Chapter IV, Article 6, as amended; Chapter V, Article 5; all of said Chapters and Articles being a part of the Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular session, 1943; amending subsection (c) of Section 2, Article 4, as contained in Section 4 of Acts, 58th Legislature, Regular Session, Chapter 81, Page 134, codified as subsection (c) of Section 2, Article 342-504, Vernon's Texas Civil Statutes (a part of Article 4, Chapter V of the Texas Banking Code of 1943, as amended); amending Section 1c, Acts 1955, 54th Legislature, Regular Session, Chapter 16, Page 19, as amended; and transferring the provisions of Acts 1955, 54th Legislature, Regular Session, Chapter 16, Page 19, as amended (now codified as Article 4591d, Vernon's Texas Civil Statutes), making same a part of Chapter IX of the Texas Banking Code of 1943, to be designated as Article 10a thereof; authorizing stock option plans for state banks, with certain restrictions; providing for perpetual or limited corporate existence for state banks; requiring notice to the Commissioner in certain cases where stock of a state bank is transferred, and providing punishment for violations; providing for filling vacancies and adding directors, with certain limitations, on boards of directors of state banks; authorizing certain real estate loans, with limitations; authorizing investment in and loans upon security of insured savings accounts issued by certain savings and loan associations; providing that when certain designated bank holidays fall on Sunday, then the Monday next following such Sunday shall be a legal holiday for banking purposes on which each bank and trust company in Texas shall remain closed; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

### Senate Bill 41 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

### Senate Bill 598 on Third Reading

Senator Berry asked unanimous consent to suspend the regular order of business and take up S. B. No. 598 for consideration at this time.

There was objection.

Senator Berry then moved to suspend the regular order of business and take up S. B. No. 598 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Bates	Harrington
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Reagan
Christie	Schwartz
Cole	Strong
Connally	Wade
Grover	Wilson
Hall	Word
Hardeman	

#### Nays—10

Aikin	Moore
Creighton	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hightower	Watson

The President laid before the Senate on its third reading and final passage:

S. B. No. 598, A bill to be entitled "An Act providing for an expression of public opinion on the question of legalized pari-mutuel wagering on horse races in Texas; and declaring an emergency."

The bill was read third time and was passed by the following vote:

#### Yeas—20

Bates	Hardeman
Bernal	Harrington
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Schwartz
Cole	Strong
Connally	Wade
Grover	Wilson
Hall	Word

#### Nays—11

Aikin	Parkhouse
Creighton	Patman
Hazlewood	Ratliff
Herring	Reagan
Hightower	Watson
Moore	

### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 974, A bill to be entitled "An Act providing for state aid in paying court-appointed counsel in certain cases involving juveniles in certain counties, etc., and declaring an emergency."

Signed subject to provisions of Section 49A, Article III of the Constitution of the State of Texas.

H. B. No. 278, A bill to be entitled "An Act changing the period of living apart without cohabitation as a ground for divorce; amending Article 4629, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 300, A bill to be entitled "An Act relating to the annual fee, and proration of the fee, for the registration of motorcycles, passenger cars, street or suburban buses, trailers, and semitrailers; amending Sections 4, 5 and 8, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Articles 6675a-4, 6675a-5 and 6675a-8, Vernon's Texas Civil Statutes), and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act amending Acts 1963, 58th Leg., Chapter 504, p. 1318, known as Article 1.26, Texas Insurance Code; defining credit guaranty insurance, to provide for the maintenance of reserves; providing for use of the contingency reserve; and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act amending Sections 1, 2, 3 and 4 of Chapter 204, Acts of the 57th Legislature, Regular Session, 1961, page 406, known as the Texas Uniform Facsimile Signature of Public Officials Act, and compiled as Sections 1, 2, 3, and 4 of Article 717j-1, Vernon's Texas Civil Statutes, to permit facsimile signatures and facsimile seals to be used on certificates of special assessments; providing a penalty; and declaring an emergency."

H. B. No. 452, A bill to be entitled "An Act rearranging, reorganizing, and amending provisions of Title 79 'Interest' of the Revised Civil Stat-

utes of Texas, 1925, and certain other laws relating to loans and lenders; etc.; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act relating to raising the bond payable by the justice of the peace to the county judge, amending Article 2373, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 484, A bill to be entitled "An Act amending Article 2654e, Revised Civil Statutes of Texas, 1925, as added by Section 1, Chapter 25, Acts of the 47th Legislature, Regular Session, 1941, as amended, to provide for the exemption of 35 native-born students from a Latin American country designated by the State Department of the United States as a partner with Texas in the Alliance for Progress from payment of tuition fees to institutions of collegiate rank; and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act relating to the continuation of an appointment of, and the conditions of issuing a temporary license to, a life insurance agent; amending Subdivision (e), as added to Section 9, and adding a Subdivision (c) to Section 10, Chapter 213, Acts of the 54th Legislature, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act relating to veteran's preference in state appointment or employment; amending Section 1, Chapter 357, Acts of the 49th Legislature, 1945, as amended (Article 4413(31), Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act amending the Texas Miscellaneous Corporation Laws Act, enacted by Acts 1961, 57th Legislature, Chapter 205, Page 408, Section 1, by adding a new Article 1302-2.08, relating to the authority of certain corporations to borrow money and setting maximum interest rates thereon; prohibiting the plea or defense of usury in certain instances; providing exemptions; and declaring an emergency."

H. B. No. 955, A bill to be entitled "An Act relating to the commitment and transfer of mentally ill

persons to Veterans Administration hospitals, etc.; and declaring an emergency.

H. B. No. 1048, A bill to be entitled "An Act amending Article 3.05, Texas Insurance Code to allow legal reserve life insurance companies to purchase issued and outstanding shares of capital stock in their own companies for purposes of cancellation and reduction of capital stock; and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act relating to unemployment compensation in this State; providing benefits, benefit eligibility conditions, claims for benefits, contributions, collection of contributions, and reciprocal arrangements; etc.; and declaring an emergency."

H. B. No. 935, A bill to be entitled "An Act concerning the required Government or Political Science and American History courses in state-supported and state-aided colleges and universities; amending Sections 2 and 4, Chapter 83, Acts 41st Legislature, Second Called Session, 1929, as amended, and Section 1, Chapter 449, Acts 54th Legislature, 1955; and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act relating to interpreters for deaf and severely hard-of-hearing persons taking state examinations; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act relating to the creation and operation of the Western Information Network Association, a state governmental agency comprised of certain institutions of higher education in the West Texas area, etc., providing for severability; and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act providing for the completion of the State Finance Building; providing funds for such purpose; and declaring an emergency."

H. C. R. No. 89, In memory of Alvin M. Owsley.

H. C. R. No. 101, Relating to the Highway Beautification Act.

H. C. R. No. 121, Authorizing the House Enrolling and Engrossing Clerk to make certain corrections in House Bill 347.

H. C. R. No. 30, Concerning the commissioning of a portrait of General William C. Westmoreland.

H. B. No. 1167, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Franklin County, Texas, and to conform the jurisdiction of the district court or district courts of such county to such change; repealing Chapter 385, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-331a, Vernon's Texas Civil Statutes); etc.; and declaring an emergency."

#### House Bill 52 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 52 was ordered not printed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 91, A bill to be entitled "An Act relating to the compensation of district judges assigned to sit for judges of the Court of Domestic Relations, the Court of Domestic Relations No. 2, and the Juvenile Court of Dallas County; etc., and declaring an emergency."

S. B. No. 223, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as 'Spewick Place Municipal Utility District of Harris County'; etc., and declaring an emergency."

(With amendments.)

S. B. No. 233, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Bayou Vista Municipal Utility District, etc., and declaring an emergency."

(With amendment.)

S. B. No. 434, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to sell an exclusive and perpetual right to use,

draw and take all water in, under and upon a certain described tract of land in Wilbarger County with all water lines and improvements located thereon; prescribing the manner of sale; providing for the disposition of the proceeds; and declaring an emergency."

S. B. No. 466, A bill to be entitled "An Act relating to the Court of Domestic Relations No. 2 of Tarrant County; providing for its jurisdiction, terms, personnel, administration, and practice; amending Chapter 278, Acts of the 59th Legislature, Regular Session, 1965 (Article 2338-15a, Vernon's Texas Civil Statutes); and declaring an emergency."

(With amendments.)

S. B. No. 467, A bill to be entitled "An Act relating to the Court of Domestic Relations No. 1, of Tarrant County; providing for its jurisdiction, terms, personnel, administration, and practice; amending Chapter 6, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 2338-15, Vernon's Texas Civil Statutes); and declaring an emergency."

(With amendments.)

S. B. No. 565, A bill to be entitled "An Act relating to the creation, establishment, maintenance, and operation of the Orange County Airport Authority in accordance with the provisions of Section 12, Article IX, of the Constitution of the State of Texas; and declaring an emergency."

S. B. No. 563, A bill to be entitled "An Act to provide that the judges of the County Courts at Law Nos. 1, 2, and 3, and the County Civil Court at Law of Bexar County, Texas, shall each receive an annual salary of not less than Sixteen Thousand Dollars (\$16,000) nor more than Eighteen Thousand Five Hundred Dollars (\$18,500) to be determined and fixed by the Commissioners Court of Bexar County, Texas, etc., and declaring an emergency."

S. B. No. 539, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Sun-meadow Municipal Utility District'; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 538, A bill to be entitled

"An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'East Port Bolivar Municipal Utility District'; etc.; and declaring an emergency."

(With amendment.)

S. C. R. No. 73, Authorizing a correction in Senate Bill No. 530.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Memorial Resolution

S. R. No. 644—By Senator Reagan: Memorial resolution for Edwin Carl Ekstrom.

#### Welcome and Congratulatory Resolutions

S. R. No. 635—By Senator Herring: Extending welcome to teacher and students of William B. Travis High School of Austin.

S. R. No. 636—By Senator Herring: Extending welcome to teachers and students of University Junior High School of Austin.

S. R. No. 637—By Senator Watson: Extending welcome to teachers and students of Crawford High School.

S. R. No. 638—By Senator Watson: Extending welcome to Binks Campbell and W. H. Barsh.

S. R. No. 639—By Senator Christie: Extending congratulations to Edward C. Wade.

S. R. No. 640—By Senator Christie: Extending congratulations to R. J. Channell.

S. R. No. 645—By Senator Grover: Extending congratulations to Mr. and Mrs. George W. Strake, Jr.

S. R. No. 646—By Senator Cole: Extending congratulations to Milton C. Jones.

S. R. No. 647—By Senator Christie: Extending congratulations to Judge R. E. Cunningham.

S. R. No. 649—By Senator Christie: Extending congratulations to Holvey Williams.

S. R. No. 650—By Senator Chris-



tie: Extending congratulations to Louis A. Scott.

S. R. No. 652—By Senator Herring: Extending welcome to teachers and students of Eighth Grade Class of Manor Junior High School.

S. R. No. 654—By Senator Herring: Extending welcome to teacher and students of Pond Springs Elementary School of Williamson County.

S. R. No. 655—By Senator Brooks: Extending welcome to members of Harris County AFL-CIO Council.

### Adjournment

On motion of Senator Grover the Senate at 4:38 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

#### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 281, An Act adding district attorneys to the classes of persons who may become members of the State Employees Retirement System; amending Paragraph 1, Subsection B, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 553, An Act authorizing all hospital districts created pursuant

to Article IX, Section 9, of the Constitution to issue and refund revenue bonds for hospital purposes in accordance with the procedures prescribed for the issuance of similar bonds by County Hospital Authorities under the County Hospital Authority Act, Chapter 122, Acts 1963, 58th Legislature (compiled as Article 4494r, Vernon's Texas Civil Statutes); enacting other provisions relating to the subject; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 421, An Act authorizing governing boards of public junior college districts originally created as county junior college districts which have been enlarged to contain territory in three (3) or more counties to enter into agreements making junior college services available to scholastics in school districts having territory in such counties but not in the junior college district; authorizing school districts to levy, assess and collect a special tax to finance any such agreements after an election; providing a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 548, An Act relating to the salary of the Criminal District Attorney of Jefferson County; amending Section 4, Chapter 53, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1926-63, Vernon's Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 541, An Act relating to increasing the maximum tax rate of the West Coke County Hospital District; amending Chapter 315, Acts of the 58th Legislature, 1963, to add a new Section 9A; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 217, An Act to amend Chapter 465, Acts of the 59th Legislature, Regular Session, 1965, by adding a new Section to authorize the issuance of revenue or special obligation bonds by the Motley County Hospital District; providing terms, conditions and restrictions for the issuance of such bonds; enacting provisions incident and related thereto; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 507, An Act relating to prohibiting the importation, possession, sale or release of certain fish or fish eggs; providing a penalty; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 193, An Act relating to adoption by a married person who is not legally an adult; amending Section 1, Chapter 177, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 12, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 29, An Act amending Paragraph a, Subsection (4), Section 1, Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), by redefining the term "exceptional children" to include language handicapped children; defining "language handicapped children"; removing pilot study and classroom limitations; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

Austin, Texas,  
May 12, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 28, An Act authorizing the Central Education Agency to establish a special pilot program for preschool children who have language disorders and providing for the meth-

od of financing the program; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman

**Sent to Governor**

**May 15, 1967**

S. B. No. 193

S. B. No. 421

S. B. No. 553

S. B. No. 281

S. B. No. 507

S. B. No. 217

S. B. No. 541

S. B. No. 548

S. B. No. 28

S. B. No. 29

S. C. R. No. 6

S. C. R. No. 70

S. C. R. No. 40

**In Memory of**  
**Major W. J. (Chief) Elliott**

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Senator Hardeman offered the following resolution:

(Senate Resolution 641)

Whereas, On the 8th day of May, 1967, the State of Texas lost one of its foremost leaders in law enforcement in the passing of Major W. J. (Chief) Elliott, formerly of the Texas Department of Public Safety, who did, in truth and fact, dedicate his life to his profession and to the guarantee of safety and protection to the citizens of Texas; and

Whereas, During his 70 years of life his dedication and zeal in seeing the job done right have served as inspiration for all those with whom he came in contact; and

Whereas, He was born in Omaha, Georgia, on February 10, 1897, and attended school in Plant City, Florida, and after graduating from school he served his country on active duty during World War I; and

Whereas, He commenced serving the people of the State of Texas on January 8, 1930, having entered the first highway patrol school; and after graduating he continued to serve and rose through the ranks to become Chief of the Highway Patrol on July 26, 1944. With the reorganization of the Department in 1957, he was given command of the Waco Region; and

Whereas, Through the years he continued to show leadership and devotion to duty, assisting in developing the Department of Public Safety into one of the finest organizations of its kind in the world; and

Whereas, His services have been recognized by Presidents of the United States, and other national leaders, by many Texas Governors and other officials, and by state officials of foreign countries, who had occasion to come into contact with him on visits to the United States; and

Whereas, His ability was much in demand by state and national police organizations such as the National Safety Council, the International Association of Chiefs of Police, the American Association of Motor Vehicle Administrators, the Texas Police Association, and many others; and

Whereas, His life inspired and ennobled those who worked with him to attain greater heights of service. His constructive record and worthwhile contributions will dwell in the minds of those who loved him and will serve as a memorial to his efforts in behalf of the people of Texas; and

Whereas, The Senate of Texas desires to pay tribute to Chief Elliott as a great and outstanding law enforcement official and a leader of men, and to recognize his service to the State of Texas; now, therefore, be it

Resolved by the Senate of the 60th Legislature of the State of Texas, That it does give commendation and recognition to the late W. J. Elliott for the outstanding and excellent example he set throughout his life in serving the people of the State of Texas; and that we extend our heartfelt sympathy to the family of this great Texan; his wife, Mrs. Gladys C. Elliott of Waco and his daughter, Mrs. Gloria Sue White of Waco; that we express appreciation for his invaluable services by directing that a page in the Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his family, and that when the Senate adjourns today it do so in memory of Major W. J. Elliott.

**HARDEMAN**  
**WATSON**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.